

Dusane

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.17808 OF 2022
IN
WRIT PETITION NO.5270 OF 2005**

Richard Misquitta ...Applicant

V/s.

Gertie Prabhu Wd/o Late V.M. ...Respondents
Prabhu & Ors.

BHALCHANDRA
GOPAL
DUSANE

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BHALCHANDRA
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Mr. Prabhat J. Dubey i/by Lipika Biswas i/by Priya
Laud for Applicant.

**CORAM: MADHAV J. JAMDAR, J.
DATE: 5th JANUARY, 2023**

P.C.:

- 1.** Heard Mr. Dubey, learned Counsel appearing for the Applicant.
- 2.** This Interim Application is taken out for setting aside order dated 18th September 2019 and for restoration of Writ petition No. 5270 of 2005.
- 3.** By order dated 18th September 2019, the Writ Petition was dismissed for want of prosecution.
- 4.** Mr. Dubey states that the Respondents are served and affidavit of service is filed. In spite of service, the Respondents

have not appeared. No reply is filed to the Interim Application. Therefore, contentions raised in the Interim Application have remained uncontroverted.

5. For the reasons set out in the Interim Application, the same is allowed in terms of prayer clauses (a) and (b) with no order as to costs.

6. Writ Petition No. 5270 of 2005 is restored to file. The interim order also stands restored.

(MADHAV J. JAMDAR, J.)